6820072/2023/LEGAL-II-HOM01

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Home Department –Public Meetings/Assembly - on roads and Road sides/margins Issue of directions under the Police Act 1861 - Orders –Issued

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HOME (LEGAL.II) DEPARTMENT

G.O. Rt.No.01 **Dated:02.01.2023**

Read:

The Police Act, 1861 (5 of 1861), dated:22.03.1861.

ORDER:

It is brought to the notice of the Government that several fatal incidents involving loss of life and injury and inconvenience is being caused to general public due to public meetings/ gatherings on roads and Road margins. Of recent occurrence, is the unfortunate incident of loss of lives of 8 persons, in a meeting at Kandukuru, Nellore District on account of the public meeting of a political party being held on a road. The conduct of Assembly and processions on public roads and public streets is regulated under the provisions of the Police Act, 1861.

2. Section 3 of the Police Act, 1861 reads as under:

3. Superintendence in the State Government: - The superintendence of the police throughout a general police-district shall vest in and shall be exercised by the State Government to which such district is subordinate, and except as authorized under the provisions of this Act, no person, officer or, Court shall be empowered by the State Government to supersede or control any police functionary.

3. Section 30, 30A and 31 of the said Act read as under:

30. Regulation of public assemblies and processions and licensing of the same:- (1) The District Superintendent or Assistant District Superintendent of Police may, as occasion requires, direct the conduct of all assemblies and processions on the public roads, or in the public streets or thoroughfares, and prescribe the routes by which, and the times at which, such processions may pass.

(2) He may also, on being satisfied that it is intended by any persons or class of persons to convene or collect an assembly in any such road, street or thoroughfare, or to form a procession which would, in the judgment of the Magistrate of the district, or of the sub-division of a district, if uncontrolled, be likely to cause a breach of the peace, require by general or special notice that the persons convening or collecting such assembly or directing or promoting such procession shall apply for a license.

(3) On such application being made, he may issue a license, specifying the names of the licensees and defining the conditions on which alone such assembly or such procession is to be permitted to take place, and otherwise giving effect to this section: Provided that no fee shall be charged on the application for, or grant of any such license.

(4) Music in the streets:- He may also regulate the extent to which music may be used in streets on the occasion of festivals and ceremonies.

30A. Powers with regard to assemblies and processions violating conditions of licence:- (1) Any Magistrate or District Superintendent of Police or Assistant District Superintendent of Police or Inspector of Police or any police-officer in charge of a station may stop any procession which violates the conditions of a license granted under the last foregoing section, and may order it or any assembly, which violates any such conditions, as aforesaid, to disperse. (2) Any procession or assembly which neglects or refuses to obey any order given under the last preceding sub-section, shall be deemed to be an unlawful assembly.

(contd. P.2)

31. Police to keep order on public roads, etc:- It shall be the duty of the police to keep order on the public roads, and in the public streets, thoroughfares, ghats and landing places, and at all other places of public resort, and to prevent obstructions on the occasions of assemblies and processions on the public roads and in the public streets, or in the neighbourhood of places of worship, during the time of public worship, and in any case when any road, street, thoroughfare, ghat or landing-place may be thronged or may be liable to be obstructed.

4. It is to be noticed that both processions which pass through the public streets and public roads as well as Assemblies are regulated under the Act on the touchstone of ensuring access to the general public to such roads and streets for public safety and public peace.

5. Broadly, the Statutes recognize roads and public streets to be an alternative expression and the reference in this regard could be seen from the definition of the public road under Section 2(33) of AP Panchayat Raj Act,1994 and Section 2(31) of the AP Municipalities Act, 1965, Section 2(46) and 2(52) of the HMC Act, 1955 as adapted by the State of AP and as applicable to AP Municipal Corporations Act, 1994. The said definitions would comprehend the roads declared as State and the National Highways, including road margins, drains attached to any such Street etc.

6. In this regard, the Government have observed that public meetings on such roads cause huge inconvenience to the general public and the conduct of such public meetings also have proven to lead to injuries and deaths. The immediate context is the incident at Kandukuru on 28.12.2022 wherein 8 persons were found dead in a stampede, where a magisterial enquiry has been ordered. It is noted that in such roadside meetings, in which people congregate on road margins also, crowd control is not effectively undertaken by reason of the narrow roads, absence of multiple exit points and sudden surge of the crowd towards the Speaker, unregulated number of the participants in the crowd by the organisers, last-minutes changes to the locations on the road etc. Holding of meetings on public roads or road margins is leading to deaths, creating traffic obstructions and causes heavy obstruction to vehicular traffic and police take a long time to control the situation. In view of this, the sick people, the aged, the pregnant women, and the injured in accidents being taken to hospitals suffer for want of immediate medical access.

7. It is the police machinery of the State which is empowered under law to regulate the said activity in public interest, while being cognizant of the fact that there is a fundamental right to peaceful assembly under Article 19(1)(b) of the Constitution. The right to conduct a public meeting on public roads and streets, is a subject matter of regulation, as the Section 30 of the Police Act, 1861 itself mandates. Having regard to the frequency of such public meetings being organized on public roads and Streets, more so by political parties, and the likelihood of congregation of unregulated number of citizens participating in the said meetings, and the concomitant inconvenience to the general public, it is necessary that due regard be had to the recent incidents of loss of life.

8. In exercise of powers under Section 3 of the Police Act, 1861, Government opine that the respective Authorities under Section 30 of the Act, while considering any applications for conduct of public meetings on public roads and Streets, duly bear in mind the possibility of recurrence of the events as have transpired in Kandukuru and regulate the grant of licence under Section 30 of the Act with due safeguards for public safety :

National Highways and State Highways are designed for high speed connectivity across the country to ensure logistical integration. Any disruption on the National highways and State Highways has a ripple effect on the movement of logistics across the State and the country. It is therefore

(contd. P.3)

ideal that no licence be granted for any application seeking permission to conduct a meeting on State Highways and National Highways. By and large, alternative locations for such congregation would be available by way of public grounds and the applicants may also be suggested to locate alternative private places for the purposes of such meetings in order to mitigate hardship to the people at large. However, in rare and exceptional circumstances and for reasons to be recorded in writing, any application could be considered.

Municipal roads and Panchayat roads are narrow and are meant for free movement of the people staying in the local area and any obstruction due to meetings on these roads endangers lives, disrupts the civic life, emergency services, causing inconvenience to the general public. Only in rare and exceptional circumstances, and for reasons to be recorded in writing, the applications for grant of permission for public meetings may be considered. The authority should avoid permitting such meetings on public roads but in rare circumstances ,while dealing with the subject matter, shall be guided by the width of the road, the duration of the meeting, the location of the venue, exit points, number of people likely to attend the meeting, crowd control measures etc.

The Police may suggest alternative locations away from public roads subject to condition that the meetings should not obstruct free flow of traffic on public roads and for the safety of the travelling public. It is also advisable that the district administration and the police machinery upon request for such meetings, forthwith identify designated places in their respective jurisdiction, away from public roads, for conduct of public meetings, which do not hamper the flow of traffic, public movement, emergency services, movement of essential commodities, etc.

9. The Director General of Police (HoPF), Andhra Pradesh, Mangalagiri shall take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF AHDHRA PRADESH)

HARISH KUMAR GUPTA
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Director General of Police (HoPF), Andhra Pradesh, Mangalagiri.
Copy to:
All the Superintendent of Police in the State.
The OSD to Minister for Home.
The PS to Principal Secretary to Home.
SC/SF.

//FORWARDED::BY ORDER//

G. Ramesh.
SECTION OFFICER